IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25182 of 2004

Between:

M. Balram, S/o Late Agamaiah,
R/o 2-1-390, New Gandhinagar, Nallakunta (Lanka), Hyderabad - 44.

..... PETITIONER

AND

1 State of Andhra Pradesh, Rep. by its Secretary, Revenue Administration, Secretariat Buildings, Hyderabad.
2 The Collector, Hyderabad District, Nampally, Hyderabad.
3 Mandal Revenue Officer, Musheerabad Mandal, VST Road, Musheerabad, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to pass an order to issue a writ, direction or order more particularly a writ of Mandamus directing the respondents to consider the application of the petitioner dated 15-12-2004 in pursuance of GO. Ms. No. 515 dated 19-4-2003 and pass such other order or orders which this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR. KISHORE RAI

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

***ORAL ORDER*:**

Petitioner submits that he has been in possession of land admeasuring to 110 Sq.yards in R.S. No. 27 in T.S. No. 8 in Ward No.186, Block F, Baghlingampally village of Musheerabad Mandal of Hyderabad District. The third respondent herein filed a land grabbing case in L.G.O.P.No.94 of 1989 on the file of the Chief Judge, City Civil Court at Hyderabad-cum-Special Tribunal under the A.P.Land Grabbing (Prohibition) Act, 1982, alleging that respondents are the owners of the said land and that the petitioner occupied the said land without any entitlement. The said O.P was allowed by an order dated 9.4.1997 on the ground that the petitioner failed to prove his title over the said land, and he was also fined Rs.10,000/- for unauthorized occupation. Aggrieved by the said order, the petitioner preferred appeal in L.G.A. No. 49 of 1997 before the Special Court, which was dismissed, with a modification that the petitioner is not liable to pay the compensation. But the Special Court observed that the judgment in O.P. 94 of 1989 would not come in the way of the respondents to consider the case of the petitioner for regularization of his possession over the schedule land, if he makes a representation for doing so. However, the petitioner has not been evicted from the schedule land till today in pursuance of the said order.

It is further submitted that the Government has issued G.O.Ms. No. 515 dated 19-4-2002, specifying certain guidelines for regularization of encroachments by way of dwelling houses and government land situated in areas notified in the 1991 census and Industrial townships, stipulating certain conditions on payment of government

value or free of cost in the event of the applicant being below poverty line. It is his further case that the petitioner falls under the category of below poverty line and that in spite of his requests from time to time, and his application dated 15-12-2004; the 2nd respondent herein has not regularized his occupation over the schedule land. Hence the writ petition.

Heard the learned counsel for the petitioner. It is an admitted fact that the petitioner has not been evicted from the schedule land in pursuance of the order in O.P.94 of 1989 and as on today he is in occupation of the said land. On the other hand, it is also not the case of the petitioner that the respondents are trying to evict him from the schedule land under the guise of the said order. In such a case it cannot be said that there is threat to the petitioner from the respondents. In those circumstances, I am of the opinion that the petitioner is not in urgent need of any order nor any direction be given to the respondents. However, as the application dated 15-12-2004 being made by the petitioner is pending with the 2nd respondent, it is for the 2nd respondent to consider the same in due course.

With the above observations, the writ petition is disposed of at the stage of admission. No costs.

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mdaa 31-12-2004

Copy to:

1 State of Andhra Pradesh, Rep. by its Secretary, Revenue Administration, Secretariat Buildings, Hyderabad.
2 The Collector, Hyderabad District, Nampally, Hyderabad.
3 Mandal Revenue Officer, Musheerabad Mandal, VST Road, Musheerabad, Hyderabad.

4. Two C.Cs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT)

5. Two C.D.copies.